

## Small Business Administration

## § 102.61

### **§ 102.54 How can I obtain judicial review of an SBA Privacy Act decision?**

You may bring a civil action against SBA in a United States district court if the SBA:

- (a) Makes a final determination not to provide you with access to or to amend your record in accordance with your request;
- (b) Fails to maintain your records with such accuracy, relevance, timeliness and completeness as is necessary to assure fairness in any determination relating to the qualifications, character, rights, opportunities of, or benefits to you that may be made on the basis of such records, and consequently a determination is made which harms you; or
- (c) Fails to comply with any other provisions of the PA (5 U.S.C. 552a) or the implementing regulations in this subpart, in such a way as to cause harm to you.

### **§ 102.55 What must SBA tell the individuals from whom it collects information?**

When SBA collects information from an individual, it must, either on the form which collects the information or on a separate form which the individual may keep, state:

- (a) Whether disclosure of the information is voluntary or mandatory;
- (b) By what authority SBA is collecting the information;
- (c) For what principal purpose or purposes SBA is collecting the information;
- (d) What routine uses might be made of that information; and
- (e) What will happen if the information isn't supplied.

### **§ 102.56 Will SBA release my name or address?**

No, unless compelled to by law.

### **§ 102.57 Do I have to give SBA my SSN?**

- (a) No. You need not give SBA your SSN, even if SBA asks for it.
- (b) If SBA asks you for your SSN, it must tell you under what authority it seeks your SSN, and for what purpose.

- (c) SBA cannot withhold a benefit solely because you refuse to tell it your SSN.

### **§ 102.58 When will SBA show personnel records to a representative?**

- (a) If you go to where the records are kept, SBA will permit one person of your choosing to inspect the records with you.
- (b) If you want your representative to inspect the records without you, you must give SBA a written authorization.
- (c) SBA will mail a copy of the record to your representative if you direct SBA to do so in writing.
- (d) You may inspect the records of a minor if you present evidence that you are the custodial parent (including joint custodial parent) or legal guardian of that minor. An affidavit or declaration, signed by you under penalty of perjury, is normally sufficient evidence unless SBA has information to the contrary.
- (e) You may inspect the records of an adult incompetent if you present evidence that you are the legal guardian of that person. A guardianship order is sufficient evidence of your guardianship. Other evidence may be considered.

### **§ 102.59 What fees will SBA charge me for my records?**

SBA will charge you only for photocopying at the rate of 10 cents per page. SBA will not charge you for finding or reviewing your records. Fees less than \$25 will be waived.

### **§ 102.60 May I be informed of disclosures made of my records?**

SBA will tell you what disclosures it made of your records if you ask, except that SBA will not tell you about disclosures it made to another federal agency or government entity for law enforcement purposes.

### **§ 102.61 Are there Matching Program procedures?**

- (a) SBA will comply with the Computer Matching and Privacy Protection Act of 1988 (5 U.S.C. 552a, 552a notes). This Act establishes procedures federal agencies must use if they want to match their computer lists.